

PLANNING AND ZONING COMMISSION

May 3, 2011
7:30 pm
Council Chambers

ROLL CALL

Commissioners Present:	Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery, Vice-Chairperson Romine and Chairperson Harris
Commissioners Absent:	Wescott
Staff Present:	Jim Lawson Director of Planning and Development Joel Hornickel Senior Planner Kendall Powell Utilities Plans Reviewer Matt Filice Assistant City Engineer William Duston City Attorney Sonja Paden Office Assistant II
Others Present:	Raeanne Presley Mayor Cris Bohinc Alderwoman

1. **Approve Agenda.**
Recommended Action: Approve the format of the May 3, 2011 agenda.

MOTION:

Motion by Vice-Chairperson Romine and seconded by Commissioner Best, and unanimously carried to approve the format of the May 3, 2011 agenda as modified with the removal of item no. 8 at the request of staff.

PUBLIC COMMENTS

None.

OLD BUSINESS

None.

REGULAR AGENDA ITEMS

2. **Approve Minutes.**
Recommended Action: A) Approve the minutes of the October 6, 2010 Joint Comprehensive Plan Steering Committee Meeting
B) Approve the minutes of the February 10, 2011 Joint Comprehensive Plan Steering Committee Meeting
C) Approve the minutes of the April 5, 2011 study session;
D) Approve the minutes of the April 5, 2011 regular meeting.

MOTION:

Motion by Commissioner Davis and seconded by Vice-Chairperson Romine and unanimously carried to approve the minutes of the October 6, 2010 Joint Comprehensive Plan Steering Committee meeting; the February 10, 2011 Joint Comprehensive Plan Steering Committee meeting; the April 5, 2011 Planning and Zoning Commission study session; and the April 5, 2011 Planning and Zoning Commission regular meeting as presented.

3. Presentation of the Hiawatha Heights Neighborhood Action Plan.

Dr. Fred Pfister, Chairman of the Hiawatha Heights Neighborhood Organization, presented the action plan on behalf of the neighborhood's residents.

PUBLIC HEARING AGENDA ITEMS

- 4. Request For A Special Use Permit to Operate a Balloon Ride or Helicopter Tours at
2855 W. Highway 76, Branson, Missouri.
Project No. 11-1.5 (11-00100005)
Applicant: Joshua Grindell**

Mr. Hornickel presented the staff report as filed with the Planning Division.

Chairperson Harris asked if any of the Commissioners had any questions of staff in regards to the item; there was no response. He then asked if the applicant, or a representative for the applicant, was present and wished to come forward.

Mr. Joshua Grindell approached and stated they had requested the Special Use Permit initially to get balloon rides going, but since then the operator had backed out. He stated they had wanted both the helicopter and balloon, even though they would not have operated at the same time. He stated they did not currently have an operator, and at the moment, no one would want to bring a large investment over without knowing if they could operate first. He added they wanted to start working on a helicopter operation and then find investors for the balloon.

Chairperson Harris stated the difficulty and goal when they issued Special Use Permits was to try and understand exactly what the intended use was. He stated if they do not know flight patterns, safety records, and other types of things, it could be difficult for the Commission to make an informed decision related to that use. He stated they had approved helicopters in the past for various amusement uses, but they needed to know enough about the details in order to do their job to protect surrounding neighbors. He added it would be difficult for them to do those things without all of the necessary information. Chairperson Harris also stated they knew he had met with staff and A.R.T., and both had made him aware of the result from not providing enough information.

Mr. Grindell stated he had had someone in line from St. Louis to come down and do it, but unfortunately he canceled.

Chairperson Harris stated they were happy he was interested in the site, but they had also presented a problem due to the lack of information. He then asked if any of the Commissioners had any questions of the applicant.

Commissioner McDowell asked how he would be able to specify a particular helicopter if they did not have an operator yet.

Mr. Grindell stated most of the potential operators they had talked to had the R44 type helicopter and were not operating them right now, so they could provide a place for them to be used.

Commissioner McDowell stated the location would not be suitable due to the amount of noise next to the Baldknobbers and the hotels all around it. He added if they come back, he hoped those things would be addressed.

Mr. Grindell stated they had hoped for the balloon to go through, but unfortunately it did not.

Commissioner Best stated the amount of power lines running through the property seemed to be an issue.

Mr. Grindell stated they had looked at them and thought they would not be a factor because the helicopters would be departing to the north.

Chairperson Harris asked if any of the Commissioners had any other questions of the applicant; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item.

Mr. Dimitri Tsahiridis approached and stated he owned the property and they had one and a half acres for them from which to operate. He stated it was flat land with just parking left and right. He stated they should let him just have the permit because it was eleven hundred (1,100) feet from Highway 76 and the other helicopters were fifty (50') feet from the highway. He added they had promised to keep the area clean like the front of the property. He stated he thought it was very safe and the electric poles were not an issue.

Chairperson Harris again asked if there was anyone else present who wished to speak in regards to the item.

Ms. Raeanne Presley approached and stated she was representing the Presley family, which had property across the road from the proposed helicopter site. She stated their concern was that this would be the third helicopter operation in very close proximity to each other on Highway 76. She stated they had worked diligently with the operators to address a series of concerns about noise and height. She added she was really concerned with the safety of the helicopters being so close together and flying at all hours of the night. She then asked Mr. Grindell if he was the same Joshua Grindell in an article she had found regarding a helicopter crash in California.

Chairperson Harris again asked if there was anyone else present who wished to speak in regards to the item; there was no response. He then asked if there were any further questions by the Commissioners.

Commissioner Davis stated that he thought staff had made the appropriate recommendation to them because the proposal was not acceptable, as it was not compatible with the existing and surrounding uses.

Chairperson Harris asked if there were any further questions by the Commissioners; there was no response. He stated his major concern was that they had always had the operators come with flight plans and information from FAA to deal with the specifics of it, but they did not have that for this request. He added the staff's recommendation was well served for this particular item. He entertained a motion.

MOTION:

Motion by Commissioner Best and seconded by Commissioner Woolery to approve Resolution 11-1.5.

AYES: None.
NOES: Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery,
Vice-Chairperson Romine and Chairperson Harris.
ABSTAIN: None.
ABSENT: Wescott.

Motion to approve Resolution 11-1.5 was denied with a 9-0 vote.

5. Request For A Preliminary Subdivision Plat for Phase One of the Covered Bridge Resort at
101 Covered Bridge Drive, Branson, Missouri.
Project No. 11-6.1 (11-00600001)
Applicant: Linden Long

Mr. Hornickel presented the staff report as filed with the Planning Division.

Chairperson Harris asked if any of the Commissioners had any questions of staff in regards to the item.

Commissioner Davis asked where the open space and riparian zone would be located on the property.

Mr. Hornickel asked Mr. Filice to locate the area on the map. Mr. Filice approached and stated the area would help protect the vegetation, which would in turn protect the water quality of the runoff from the area. He identified the area along the creek that bisected the property and generally ran from north to south.

Chairperson Harris asked if any of the Commissioners had any other questions of staff in regards to the item; there was no response. He then asked if the applicant, or a representative for the applicant, was present and wished to come forward.

Mr. Brad Hoffman, Yung Design Group, approached and stated they had prepared the planned development and were also representing the plat for the engineer, Pickett, Ray and Silver. He stated it would be a high-end RV resort with great amenities and a large clubhouse. He added it was a market that had not been met in Branson and it would be a great project.

Chairperson Harris stated it would be a very unique niche to apply for. He then asked if any of the Commissioners had any questions of the applicant.

Commissioner McDowell asked what the two open areas were, as shown on the preliminary plat.

Mr. Hoffman stated they were areas for future development.

Chairperson Harris asked if any of the Commissioners had any other questions of the applicant.

Vice-Chairperson Romine asked how many RVs could be in this development.

Mr. Hoffman stated there would be seventy (70) lots on this plat.

Chairperson Harris again asked if any of the Commissioners had any other questions of the applicant; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item; there was no response. He asked if there were any further questions by the Commissioners of staff; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Loyd and seconded by Vice-Chairperson Romine to approve Resolution 11-6.1.

AYES:	Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery, Vice-Chairperson Romine and Chairperson Harris.
NOES:	None.
ABSTAIN:	None.
ABSENT:	Wescott.

Motion to approve Resolution 11-6.1 carried with a 9-0 vote.

6. **Request For A Planned Development Amendment for PD 2006-006 at
1984 Highway 165, Branson, Missouri.
Project No. 11-5.1 (11-00500001)
Applicant: Welk Resort Group, Inc.**

Mr. Hornickel presented the staff report as filed with the Planning Division.

Chairperson Harris asked if any of the Commissioners had any questions of staff in regards to the item.

Vice-Chairperson Romine asked if the daycare would be used for the employees or guests of the resort.

Mr. Hornickel stated it was his understanding that it would be used for the employees and then for guests in the future.

Mr. Brad Hoffman, Yung Design Group, and Mr. Jeffrey Edwards, Welk Resorts, approached and stated the daycare would be available for the sales guests.

Chairperson Harris asked if they had begun obtaining information regarding the Missouri state regulations and certifications necessary for a daycare.

Mr. Edwards stated they already had a location inside of the sales center operating, so they had.

Vice-Chairperson Romine reiterated it would just be a new facility for an operation already in place.

Mr. Edwards stated that was correct.

Chairperson Harris asked if any of the Commissioners had any other questions of the applicant.

Commissioner Davis asked if the statement that 'there still would be a surplus of fifty (50) plus parking spaces' was correct.

Mr. Edwards stated that was correct and there would be fifty-six (56) spaces still left over.

Commissioner Huddleston asked why they were planning to bring in a modular unit for the daycare while they would also be doing an on-site building addition of the sales center at the same time.

Mr. Edwards stated it would be three hundred twenty dollars (\$325) per square foot versus one hundred twenty-five dollars (\$125).

Chairperson Harris asked Mr. Lawson to provide a definition of modular housing and whether or not the applicant met all of the city's codes.

Mr. Lawson stated they would meet the city's codes. He explained that site-built meant you bring the boards in and you build it, while this scenario would have either a portion or all of the structure built off-site and then brought in. He added all codes would be taken care of either way.

Commissioner McDowell asked if the city had regulations pertaining to modular units.

Mr. Lawson stated a modular unit is not the same as a mobile home. He stated our current adopted building codes would need to be met regardless.

Commissioner McDowell asked if it would be allowed for someone inside the city limits to build a modular unit.

Mr. Lawson stated it would be. He added that this particular PD had specified that all modular units would not be allowed.

Chairperson Harris asked if any of the Commissioners had any other questions of the applicant; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item.

Ms. Cris Bohinc approached and asked how far the setback would be between the new structure and the sales office.

Mr. Hoffman stated it would be approximately twenty to twenty-five feet (20-25').

Ms. Bohinc asked why they were proposing to separate the children from the sales center. She added her concern would be whether or not enough adults would be there to watch the children, since it would be farther away from the sales office.

Mr. Edwards stated the only reason they opted to move the daycare center was to gain that space for sales.

Chairperson Harris asked if they would have adequate staffing for the daycare center per regulations. Mr. Edwards stated they would. He added the building would be built to code and, if they were required to put sprinklers in, they would.

Mr. Hornickel stated on page nine (9) of the PD, number five (5) within section 1.06, it stated that a fifteen foot (15') minimum setback was required between all buildings within the development.

Chairperson Harris again asked if there was anyone else present who wished to speak in regards to the item; there was no response. He asked if there were any further questions by the Commissioners; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner McDowell and seconded by Vice-Chairperson Romine to approve Resolution 11-5.1.

AYES: Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery,
Vice-Chairperson Romine and Chairperson Harris.
NOES: None.
ABSTAIN: None.
ABSENT: Wescott.

Motion to approve Resolution 11-5.1 passed with a 9-0 vote.

7. Request for a Planned Development for Branson View Cabins and Adopting Land Use Regulations PD-11-002 at 1901 Shepherd of the Hills Expressway, Branson, Missouri.
Project No. 11-4.2 (11-00400002)
Applicant: Equity Trust Company FBO Richard Patterson IRA

Mr. Hornickel presented the staff report as filed with the Planning Division.

Chairperson Harris asked if any of the Commissioners had any questions of staff in regards to the item.

Commissioner Davis asked if the streets would be private.

Mr. Hornickel stated the streets would all be private, so they would all be maintained by the developer.

Commissioner Davis asked if it would be a gated community.

Mr. Hornickel stated the applicant had not stated it would be.

Chairperson Harris asked if any of the Commissioners had any other questions of staff in regards to the item.

Commissioner McDowell asked if there would not be any curb and gutter around the parking areas based on how the setbacks were described in the PD.

Mr. Hornickel stated because they were exploring other alternatives for detention, the wording was provided so, regardless of the surface or edging, they would have to provide a fifteen (15) foot area between any paved surface and buildings.

Commissioner McDowell stated he believed the city required curb and gutter, and asked if Engineering would be satisfied, if they were not built.

Mr. Hornickel stated those would be issues that would be worked out with the Engineering Department during the building permit and site improvement plan process.

Mr. Lawson stated a portion of the plat would deal with the grades of the streets and the drainage.

Commissioner McDowell asked about Section 1.07 and if the dedicated open space areas would become available to the public and if parking would then be provided.

Mr. Lawson stated they had not considered that yet. He then asked Mr. Williams to assist with answering the question.

Mr. Ross Williams approached and stated they had not considered it yet, but ample parking would be available. He also stated he had been asked if their trail system could connect with the city's trail system, but he thought the elevation changes would not make it feasible.

Commissioner McDowell stated his only concern would be that the city would then be in charge of its maintenance.

Mr. Hornickel stated the phrasing that had been used in other planned developments stated, if the city did accept the open space, it would have the ability to choose whether to maintain it or not. He stated there were several areas throughout the city that were currently open space and the city has chosen not to go out and mow or maintain them. He added those areas had simply become preserved open space and belonged to the city.

Commissioner McDowell stated some type of language should be added that stated, if the city did accept the open space, then it should be open to the public.

Mr. Lawson stated if the land was accepted, then it should be open. He added it was a catch-all phrase and we did not anticipate getting the property.

Commissioner McDowell asked what the definition of a parking slab was based on Section 1.15.

Mr. Hornickel stated the applicant was creatively looking into detention options and, if they choose to not install curb and gutter and it was approved, they would then have to install parking stops in each stall.

Mr. Williams stated they were planning to use some type of pervious paving for the parking areas, whether it was pervious concrete or a paving block. He added they also may install a tube system below the area to collect more drainage. He stated they had allowed for concrete curbs to go in and they would need to have some type of edge to collect the runoff regardless.

Commissioner McDowell asked to what a parking slab referred.

Mr. Williams stated any handicap stalls would need to be paved and then those areas would be referred to as parking slabs. He stated Rozell engineers were submitting the preliminary plat on Friday and they were working on the storm water issues.

Chairperson Harris asked if this would be the first project where they would use pervious paving blocks.

Mr. Williams stated he had done a restaurant project in Springfield almost twenty (20) years ago that used paver blocks. He stated they had since paved over it, but it had worked well.

Chairperson Harris stated he was excited they were anticipating using paver blocks for this project and it could become a model project for the city.

Mr. Williams stated it helped that the price of pervious stuff was going down while the cost of regular asphalt was going up.

Chairperson Harris asked if any of the Commissioners had any other questions of the applicant; there was no response. He then asked if there was anyone else present who wished to speak in regards to the item; there was no response. He asked again if there were any further questions by the Commissioners; there was no response. He entertained a motion.

MOTION:

Motion by Commissioner Huddleston and seconded by Vice-Chairperson Romine to approve Resolution 11-4.2.

Commissioner Huddleston offered the following amendment:

3. All storm water detention facilities shall be constructed by the developer and maintained by the property owners. The detention facilities shall be approved by the City Engineer prior to any activities that would increase the rate of storm water runoff from the site.

Chairperson Harris asked if there were any other comments or questions on the amendments; there was no response.

MOTION:

Motion by Commissioner Huddleston and seconded by Commissioner Davis to amend Resolution 11-4.2.

AYES: Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery,
Vice-Chairperson Romine and Chairperson Harris.
NOES: None.
ABSTAIN: None.
ABSENT: Wescott.

Motion to amend Resolution 11-4.2 passed with a 9-0 vote.

Chairperson Harris asked if there was any further discussion on the item as amended by the commission; there was no response.

AYES: Best, Davis, Hartley, Huddleston, Loyd, McDowell, Woolery,
Vice-Chairperson Romine and Chairperson Harris.
NOES: None.
ABSTAIN: None.
ABSENT: Wescott.

Motion to approve Resolution 11-4.2 as amended passed with a 9-0 vote.

COMMISSIONER & STAFF REPORTS


Mr. Hornickel reminded the Commissioners about the neighborhood walk in the Cantwell area on Thursday, May 5th. He stated that the walk would begin at 5:00 pm from Cantwell Park and last until for about an hour. He added that the first neighborhood meeting would then follow the walk at the Shepherd of the Hills Episcopal Church at 109 Walnut Lane at 6:00 pm.

Mr. Hornickel stated that the first draft of the Community Plan 2030 was made available on the project website, www.BransonCompPlan.com for the community to view and review on April 22nd.

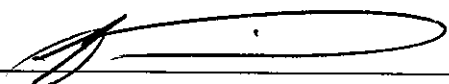
Mayor Presley approached and stated she had had a meeting the previous week with members of the Tri-Lakes Realtors Association to discuss a variety of issues in which they were interested. She stated one of the topics was the special use permit. She said they had learned a lot and had come to a better understanding of some of the issues before them. She added she was asking the Commissioners to stay tuned for policy and code changes regarding the special use permits.

ADJOURNMENT

Motion by Commissioner Woolery and seconded by Commissioner Davis, and unanimously carried to adjourn the meeting at 8:58 p.m.


Clark Harris, Chairperson

6-11-11
Date


Joel Hornickel, Senior Planner

6/9/11
Date